

[19th August 1955]

APPENDIX I.

[Vide answer to starred question No. 2085 asked by Sri M. Kalyanasundaram at the meeting of the Legislative Assembly held on 19th August 1955, page 107 supra.]

Rules under Madras Hindu Religious and Charitable Endowments Act.

RULES UNDER SECTION 100 (2) (p) AND (x) (ii).

PART I.

Rules regulating the conditions of service, pay, etc., of paid executive officers, appointed for religious institutions under the Act (excluding the Executive Officer, Tirumalai-Tirupati Devasthanams) or in pursuance of any scheme settled or deemed to be settled thereunder.

1. In this part of the rules, the expression "Executive Officer" includes any paid officer appointed under a scheme settled or deemed to be settled under the Madras Hindu Religious and Charitable Endowments Act, 1951 (Madras Act XIX of 1951), by whatever designation called, provided that he is the highest executive authority in charge of the administration of the religious institutions :

Provided further that this shall not include the Executive Officer, Tirumalai-Tirupati Devasthanams.

2. There shall be six grades of executive officers. The classification of the executive officers into such grades, the scale of pay attached to each grade, the institutions to which executive officers of each grade may be appointed and the age and educational qualifications required for direct recruitment as executive officer shall, subject to the provisions of rule 3, be as follows :—

Grade number.	Annual income of the institution.	Scale of pay.	Educational qualification.	Age qualification (shall not exceed on the 1st July of the year of recruitment).
(1)	(2)	(3)	(4)	(5)
		RS.		
I	Over Rs. 1,00,000.	200—15—350.	A degree in Law of the Madras or Andhra University.	35 years.
II	From Rs. 60,001 to Rs. 1,00,000.	150—10—200.	Do.	35 years.
III	From Rs. 20,001 to Rs. 60,000.	100—5—150.	A degree in Arts or Science of the Madras or Andhra or Annamalai University.	30 years.
IV	From Rs. 10,001 to Rs. 20,000.	80—5—100.	Minimum general educational qualification prescribed for entrance in to Government Service.	27 years.
V	From Rs. 3,001 to Rs. 10,000.	35—5—60.	Do.	27 years.
VI	Not exceeding Rs. 3,000.	Rs. 25 and below.	Pass in III Form ..	25 years.

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Provided that a person who has retired from Government service after attaining the age of superannuation and has not completed sixty years may, on the recommendation of the Commissioner, be exempted by Government from the operation of this rule and provided also that the appointment shall be for not more than one year at a time, but may be renewed till the person completes the age of sixty.

Explanation.—The age restriction and the educational qualification shall not apply to promotees from a lower to a higher grade.

3. No person who is less than twenty-five years of age shall be appointed by direct recruitment to grades I to IV and no person who is less than twenty years of age shall be appointed by direct recruitment to grades V and VI.

4. (a) (1) Appointment of an executive officer to any of the first five grades may be—

(i) by direct recruitment; or

(ii) by promotion either from the next lower grade;

or

from among the employees of the devasthanams who possess the requisite educational qualification and who have put in not less than ten years' service; or

(iii) by obtaining the loan of services of any member of the staff of the Hindu Religious and Charitable Endowments (Administration) Department or of any other department of the Government, if necessary.

(2) one out of every three vacancies shall be filled in by direct recruitment while the other two shall be filled in by any of the other methods specified in sub-rule (a) (1) :

Provided that the Government may, for special reasons, alter the proportion specified above.

(3) Direct recruitment shall be made in accordance with the rotation laid down in G.O. No. 2432, Public (Services), dated the 27th September 1951.

(b) Appointment of an executive officer of grade VI shall be by any of the methods mentioned in clauses (i) and (iii) of sub-rule (a) (1) above.

(c) (i) Where it is necessary in the public interest and in the interests of the religious institutions concerned owing to an emergency which has arisen to fill immediately a vacancy and there would be undue delay in making such appointment in accordance with these rules, the appointing authority may appoint a person, otherwise than in accordance with these rules, temporarily for a period not exceeding three months until a person is appointed in accordance with the rules.

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(ii) When it is necessary to fill a short vacancy and the appointment of the person who is entitled to such appointment under these rules would involve excessive expenditure on travelling allowance or exceptional administrative inconvenience, the appointing authority may appoint temporarily for a period not exceeding three months any other person who possesses the qualifications prescribed for the post.

(iii) A person appointed under clause (i) shall be replaced as soon as possible by a member of the service or an approved candidate qualified to hold the post under these rules.

(iv) A person appointed under clause (i) or (ii) shall not be regarded as a probationer in such service or be entitled by reason only of such appointment to any preferential claim to future appointment to such post.

5. Where an institution in respect of which an executive officer is appointed has no fund on hand to pay the salary of the officer either because the properties of the institution are all alienated or are in adverse possession or for other reasons, the appointment of the officer shall be made only as an interim arrangement on such pay as may be fixed and the order shall also specify the funds from which or the manner in which the pay of the officer shall be paid, the expenditure being ultimately to be borne by the institution.

6. Whenever a Government servant is appointed as an executive officer of an institution or after such appointment is transferred to another institution, such extra allowances as he will be entitled to under the Fundamental or other Rules applicable to him and such contributions towards pension, provident fund or leave salary as are payable under the said rules, shall also be met from the funds of the institution to which he is so appointed or transferred.

7. (a) An executive officer shall, on appointment, undergo training for one month in such office as the Commissioner may decide :

Provided that in any case the Commissioner may, if he deems fit at the time of appointment, decide that the training shall be undergone after the other assumes charge of his duties in the institution to which he is appointed.

(b) An officer undergoing training shall be eligible to draw from out of the funds of the institution to which he is appointed, such pay as may be fixed by the Commissioner but not more than the minimum pay admissible for the post.

(c) The Commissioner shall decide whether an executive officer has satisfactorily completed his training. If in the Commissioner's opinion an executive officer has not satisfactorily completed his training, he shall be discharged.

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(d) An executive officer who has satisfactorily completed his training shall serve the institution from which he drew his pay during the training period, ordinarily for not less than one year, unless it is found necessary in the interests of the institution that he should not continue to so serve during that period.

8. (1) Every appointment of an executive officer shall be subject to probation for a total period of two years on duty within a continuous period of three years. Such probation may be either in the said post or in any other post with similar or higher duties.

(2) The Commissioner may, before the expiry of the period of probation or where the probation has been extended under sub-rule (3) before the expiry of such extended period of probation for reasons to be specified in writing, terminate the probation of any officer and revert him to his permanent post if he is already a permanent officer or revert him to the post from which he was promoted, in case he is a promotee, or discharge him from service in other cases.

(3) If, at the end of the prescribed period of probation, the Commissioner does not consider the probationer suitable for confirmation he may in his discretion either discharge the probationer or extend the period of his probation by a period which shall in no case be longer than one year from the date of expiry of the prescribed period of probation and if, at the end of such extended period he does not consider the probationer suitable for confirmation discharge him from service.

(4) No probationer shall be discharged either under sub-rule (2) or sub-rule (3) without giving him reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) If, at the end of the prescribed or the extended period of probation, the Commissioner considers the probationer suitable for confirmation, an order declaring the probationer to have satisfactorily completed his probation shall be issued as soon as possible. On the issue of such an order, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed probation or, as the case may be, the extended period of probation.

9. No person shall be confirmed as an executive officer of grades I to IV unless during his period of probation he passes the Account Test for Executive Officers and the Hindu Religious and Charitable Endowments (Administration) Department Test conducted by the Madras Public Service Commission.

10. An executive officer may be transferred from one institution to another by the Deputy Commissioner or Commissioner as set out below :—

The power to transfer an executive officer from one institution to another within the jurisdiction of, an Area Committee, from one institution under the jurisdiction of one Area Committee

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to another institution under the jurisdiction of another Area Committee but within the territorial jurisdiction of one Deputy Commissioner, from one institution to another in the jurisdiction of a Deputy Commissioner, from one institution in the jurisdiction of the Area Committee to another institution in a Deputy Commissioner's jurisdiction and *vice versa*, shall be exercised by the Deputy Commissioner. The power of transfer of an executive officer of one institution within the jurisdiction of an Area Committee within the territorial jurisdiction of one Deputy Commissioner to an institution within the jurisdiction of another Area Committee within another Deputy Commissioner's territorial jurisdiction and the power to transfer an executive officer of an institution within the jurisdiction of one Deputy Commissioner to an institution within the jurisdiction of another Deputy Commissioner shall be exercised by the Commissioner.

Not more than seven calendar days shall be availed of as joining time by an officer on transfer. The institution from the funds of which the travelling allowance and transit pay of an officer so transferred shall be payable and the pay fixed to the officer on such transfer shall also be incorporated in the said order or transfer.

11. Application for any kind of leave from an executive officer shall be made to the appointing authority (which expression shall for the purpose of these rules mean the Area Committee, or the Assistant Commissioner or the Deputy Commissioner or the Commissioner, as the case may be) who may either sanction or refuse the same.

12. The rules relating to casual leave applicable to Government servants shall apply to executive officers.

13. (1) The Madras Leave Rules, 1933, applicable to Government servants shall apply to executive officers.

(2) Service in one institution shall count for purposes of leave, leave salary, increment and fixation of pay in another institution.

(3) Whenever an officer (other than a Government servant) is granted leave other than casual leave, the appointing authority shall pass orders as to the institution that should contribute towards the leave salary of such executive officer.

(4) The leave salary of an officer shall be paid by the institution from which he takes leave provided he has under the rules earned in that institution, the full leave sanctioned to him. If the leave with pay sanctioned to him is more than the number of days for which he has earned such leave in that institution, then the leave salary shall be borne by the said institution and the institution or institutions in which he did duty immediately prior to his transfer to the institution from which he goes on leave in

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the reverse order of institutions and wherein he has leave to his credit to satisfy the leave sanctioned to the full extent of the number of days of leave earned by him and for which he is eligible in each of the said institutions. Particulars in this regard should be given in his application for leave.

14. When any post or posts are abolished, persons shall be selected for discharge or reversion, in the following order, namely :—

(1) Acting persons who have not completed their period of probation in order of juniority;

(2) persons who have attained the age of fifty-five years, the oldest being discharged or reverted first;

(3) persons who are on deputation from other Government departments in the order of their juniority;

(4) persons who have completed their period of probation in order of juniority; and

(5) permanent officers or servants not coming under category (2) in order of juniority :

Provided that no officer shall be discharged on the abolition of any post if he can be provided for otherwise.

15. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed by the appointing authority upon executive officers, namely :—

(i) Censure.

(ii) Withholding of increments or promotion.

(iii) Reduction to a lower rank in the seniority list or to a lower grade or time-scale or to a lower stage in a time-scale.

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government or to a religious institution by negligence or breach of orders.

(v) Removal from service.

(vi) Dismissal from service.

Explanation.—I. The discharge—

(a) of an executive officer appointed on probation before the expiry or at the end of the prescribed or extended period of probation, or

(b) of an executive officer appointed otherwise than under probation to hold a temporary appointment on the expiration of the period of the appointment does not amount to removal or dismissal within the meaning of this rule.

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II. The removal of an executive officer from service shall not disqualify him from future employment but the dismissal of a person from service shall ordinarily disqualify him from future employment.

III. A grave and well-grounded suspicion that an officer is guilty of neglect of duty or misconduct shall be deemed to be sufficient cause within the meaning of this rule.

16. No order imposing any substantive punishment under the preceding rule on any officer (other than an order based on facts which have led to his conviction in a criminal court) shall be passed unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based, and of any other circumstances which it is proposed to take into consideration in passing orders in the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires an oral inquiry or only to be heard in person. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority concerned. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the officer, conducting the inquiry, may, for special and sufficient reasons, to be recorded in writing, refuse to call a witness. After the inquiry has been completed, the person charged shall be entitled to put in if he so desires any further written statement of his defence. If no oral inquiry is held and if he had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof. An executive officer may be placed under suspension pending enquiry into grave charges, where such suspension is necessary in the public interest and in the interest of the religious institutions concerned.

This rule shall not apply, where the person concerned has absconded, or it is for other reasons impracticable to communicate with him. All or any of the provisions of this rule may, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived by the Commissioner where there is difficulty in observing exactly the requirements of this rule and all or any of these requirements can be waived without injustice to the person charged.

17. (1) Any executive officer who has been awarded any of the penalties mentioned in rule 15 may, within two months of the receipt by him of the order of punishment, appeal to the Deputy

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Commissioner if the order was made by the Area Committee and to the Commissioner if the order was made by the Deputy Commissioner. The appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate and after such consideration shall pass such order as he thinks proper.

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers, for reasons to be recorded in writing, that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

18. (a) The seniority of a person in a grade in the service shall, unless he has been reduced to a lower grade as a punishment, be determined by the date of his appointment to such grade. If any portion of the service of such person does not count towards probation under rule 4 (c), his seniority shall be determined by the date of commencement of his service which counts towards probation.

(b) The appointing authority may, at the time of passing an order appointing two or more persons simultaneously to the service fix the order of preference among them and where such order has been fixed, the seniority shall be determined in accordance with it.

(c) For purposes of seniority and promotion of the executive officers, the religious institutions situated in the following four groups of divisions should be treated as separate units:—

(1)	(2)	(3)	(4)
Madras City.	Srikakulam.	South Malabar.	South Kanara.
Chingleput.	Visakhapatnam.	North Malabar.	
South Arcot.	East Godavari.		
North Arcot.	West Godavari.		
Coimbatore.	Krishna.		
Salem.	Guntur.		
The Nilgiris.	Nellore.		
East Tanjore.	Chittoor.		
West Tanjore.	Bellary.		
Tiruchirappalli.	Anantapur.		
Madurai.	Cuddapah.		
Ramanathapuram.	Kurnool.		
Tirunelveli.			

Explanation.—(1) A panel of officers for each grade of executive officers in each units who are fit for promotion from that grade to the next higher grade should be prepared annually by the Commissioner and the panel should be communicated to all Assistant Commissioners and Deputy Commissioners. Before making any appointment the appointing authority should consult the Assistant Commissioner or the Deputy Commissioner having jurisdiction over the religious institution in which the executive officer concerned is employed.

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(2) The appointment of executive officers in one unit to another can be permitted by the Commissioner provided the executive officer has passed the second language test of the linguistic area concerned conducted by the Madras Public Service Commission.

19. Travelling allowance may be drawn by executive officers in accordance with the Madras Travelling Allowance Rules for the time being in force. The controlling and countersigning officer as regards the travelling allowance bills shall be the Assistant Commissioner in the case of religious institutions within the jurisdiction of Area Committees and notified institutions not included in the list published under section 38 of the Act and the Deputy Commissioner in the case of other institutions.

20. No advance increments of salary shall be granted to an executive officer without the sanction of the Government.

21. The date of compulsory retirement of an executive officer shall be the date on which he attains the age of fifty-five years. He may if his retention after that date is necessary in the public interest be retained in service after that date till he attains the age of sixty under the special order of the Government, provided, however, that such extensions are made year after year and the grounds of such extensions are recorded at the time of such annual extensions and provided also that an executive officer shall not be retained after the age of sixty on any ground whatsoever.

22. (1) A record of the services of each executive officer shall be maintained by the appointing authority in the form prescribed for service books of Government servants. The cost of the service book shall be recovered from the officer concerned.

(2) The service book shall be taken up for verification in January of every year and the appointing authority after satisfying himself that the services of the executive officer concerned are correctly recorded in each book, record therein a certificate in the following words over his signature "Services verified up to date".

23. An executive officer shall if he resigns his appointment forfeit not only the service in the particular post held by him at the time of resignation but all his previous service in any institution. The reappointment of such a person to any post shall be treated in the same way as a first appointment to such post by direct recruitment and all the rules governing such appointment shall apply except those relating to age and on such reappointment he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order.

24. Wherever there is conflict between these rules and the provisions of a scheme settled or deemed to be settled under the Act, the latter shall prevail.

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25. A personal file in the form prescribed for Government servants shall be prepared and maintained and scrutinized periodically by the Assistant Commissioner in the case of executive officers of religious institutions in the jurisdiction of Area Committees and in the case of notified religious institutions not included in the list published under section 38 and by the Deputy Commissioner in other cases. The Deputy Commissioner concerned shall be the scrutinizing authority of the personal files of the executive officers under the control of Assistant Commissioners and the Commissioner shall be the scrutinizing authority of the personal files of the executive officers under the control of Deputy Commissioners. Personal files should be written up every half year.

26. Save as otherwise provided in the Act, in these rules or any other rules in force for the time being, the provisions of the Fundamental Rules and the Subsidiary Rules framed thereunder and the Government Servants' Conduct Rules for the time being in force shall apply to the executive officers.

27. Nothing contained in these rules shall adversely affect any person who was appointed as executive officer before 30th September 1951.

PART II.

Rules relating to the security to be furnished by executive officers of religious institutions.

1. Every executive officer appointed either temporarily in the place of any other executive officer or otherwise for a religious institution under any of the provisions of the Act or in pursuance of any scheme settled or deemed to be settled thereunder shall furnish security and execute a security bond in the name of the Commissioner, Hindu Religious and Charitable Endowments (Administration) Department :

Provided that the Commissioner may exempt subject to such conditions as he may fix, any person appointed or proposed to be appointed as such executive officer from furnishing the whole or any part of the security.

2. The amount of security to be furnished by an executive officer shall be regulated by the income of the institution to which he is appointed and be at the rates specified in the Appendix to this part.

3. (1) No executive officer holding office on the date of the coming into force of these rules, shall continue to hold office if he does not furnish security before the expiry of three months after these rules have come into force.

(2) No person first appointed to any post for which security has to be furnished shall assume office, unless he furnishes the security fixed for the post within 15 days of the receipt of the order

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of appointment or within such period as may be fixed in the order of appointment or unless he is exempted under the proviso to rule 1.

(3) When a person holding a post for which he has furnished security is appointed to another post for which the prescribed security is higher than the amount of security already furnished by him or is appointed to an additional post for which security has been fixed he shall not continue in the new post if he does not, within three months of his assumption thereof, furnish the required additional security.

4. Notwithstanding the provisions of rule 3, the Commissioner may extend the time for furnishing the security or the additional security.

5. The security to be furnished by a person may be in the form of—

- (a) cash, or
- (b) promissory notes of the State Government or any other State Government or the Union Government or Municipal debentures or Port Trust bonds, or
- (c) stocks certificates of the State Government or any other State Government or the Union Government, or
- (d) Post Office savings bank deposits, or
- (e) Post Office cash certificates and National Savings Certificates, or
- (f) deposit receipts of the Madras Provincial Co-operative Bank, a Central Co-operative Bank approved by the Registrar of Co-operative Societies, Madras, for deposit of the funds of Local Boards and Municipalities or a Scheduled bank as defined in the Reserve Bank of India Act, 1934, or
- (g) unencumbered immovable property :

Provided that in case of Government servants appointed as Executive Officers, the Commissioner may accept the security in the form of a fidelity bond.

6. (1) Where security is furnished in any of the forms mentioned in clauses (b) to (f) of rule 5, the provisions of the Madras Financial Code relating to the conditions subject to which such form of security shall be accepted, shall, as far as may be, apply to such security.

(2) Where security is furnished in the form of cash it shall be invested in any of the forms of securities mentioned in rule 5 as the person furnishing securities desires, and the interest derived from such investment shall be paid to him. No interest shall become in any event payable till the security amount is actually invested.

7. The rules in this part and in Part I shall not apply to maths or specific endowments attached to maths.

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Class of institution.	Annual income of institution.		Amount of security in any form mentioned in clauses (a) to (f) of rule 5.	Value of immovable property if security is offered under clause (g) of rule 5.	
	(1)	(2)	(3)	(4)	
I	Over Rs. 1,00,000		RS. 4,000	Not less than Rs. 8,000	
II	From Rs. 60,001 to Rs. 1,00,000.	to	4,000	Do.	Rs. 8,000
III	From Rs. 20,001 to Rs. 60,000.		2,000	Do.	Rs. 4,000
IV	From Rs. 10,001 to Rs. 20,000.		1,000	Do.	Rs. 2,000
V	From Rs. 3,001 to Rs. 10,000.		500	Do.	Rs. 1,000
VI	Not exceeding Rs. 3,000	..	250	Do.	Rs. 500

PART III.

Rules relating to the conditions of service, pay, etc., of the Executive Officer, Tirumalai-Tirupati Devasthanams.

1. In this Part, unless otherwise stated, "Executive Officer" means the Executive Officer of the Tirumalai-Tirupati Devasthanams appointed under section 80 (3) (b) of the Act.

2. (i) The method of recruitment and the qualifications for appointment to the post of Executive Officer shall be as follows :—

Methods of recruitment.

(i) By obtaining the services of an Officer from among—

(1) the members of the Madras Civil Service (Executive Branch) and of the Madras General Service Part II.

(2) Deputy Commissioners and Assistant Commissioners including Personal Assistant to Commissioner in the Hindu Religious and Charitable Endowments (Administration) Department; or

(ii) by appointment of an Executive Officer of any other religious institution, with not less than ten years service; or

(iii) by promotion of an employee of the Tirumalai-Tirupati Devasthanams, with not less than ten years service; or

(iv) by direct recruitment from advocates who possess a degree in Law of the Madras or Andhra University and who have been actually practising at the Bar for a period of not less than five years.

Qualification.

Age.—A candidate recruited for appointment as Executive Officer by method (i) above shall not be less than 35 years of age while a candidate recruited for appointment as Executive Officer by method (ii) or (iii) above shall not be less than 35 years and more than 50 years of age.

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Qualification—cont.

Educational.—A candidate for appointment as Executive Officer shall possess a degree in Arts or Science of the Madras or Andhra or Annamalai University, preference being given to one who has passed the Account Test for Executive Officers in Government service conducted by the Madras Public Service Commission.

(ii) No Executive Officer shall be confirmed unless he has passed the Account Test for Executive Officers in Government Service conducted by the Madras Public Service Commission.

3. There shall be paid to the Executive Officer appointed from among the employees of the Tirumalai-Tirupati Devasthanams or from among the Executive Officers of other religious institutions a monthly pay calculated in the scale of Rs. 550—50/2—750. The pay of the Government servant appointed as Executive Officer, shall, however, be regulated according to the Fundamental Rules and the Subsidiary rules thereunder.

4. The Government may after following the procedure laid down in the case of Government servants, reduce, suspend, remove or dismiss the Executive Officer for breach of rules or discipline, disobedience of lawful orders, carelessness, unfitness, neglect of duty, misconduct or other sufficient cause.

5. An Executive Officer who is reduced, suspended, removed or dismissed, may, within two months of the receipt by him of the order of punishment, appeal to the Governor of Madras.

6. A personal file in the form prescribed for Government servants shall be maintained for the Executive Officer and submitted periodically by the Commissioner to the Secretary to Government in the department dealing with the subject "Religious Endowments", for scrutiny.

7. Subject to rules 1 to 6 above, the other conditions of service of the Executive Officer, shall be regulated by the conditions of service prescribed for Executive Officers of other religious institutions in Parts I and II of these rules.

Rules under section 104 (2).

1. (1) If the President or any other member of the Board is appointed as a Commissioner or Deputy Commissioner in pursuance of sub-section (1) of section 104, he shall not be eligible for any pension; but he shall be eligible for a gratuity not exceeding one month's emoluments for each completed year of service as calculated from the date of his first entertainment as the President or as a member of the Board.

(2) In other respects, his conditions of service shall be the same as those prescribed by the State Government in respect of Government servants holding similar posts.

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2. The conditions of service of subordinates of the Board who are appointed to offices in pursuance of sub-section (1) of section 104 shall be the same as those prescribed by the State Government in respect of other Government servants holding similar posts.

APPENDIX II.

[Vide answer to starred question No. 2112 asked by Sri P. Rangaswami Reddiar at the meeting of the Legislative Assembly held on 19th August 1955, page 113 supra.]

I

G.O. Ms. No. 1852, Health, dated 30th May 1955.

[Tuberculosis—B.C.G. vaccination—Constitution of a High Power Committee to visit and examine the case of blindness due to vaccination at Coimbatore—Orders passed.]

READ—the following paper :—

Memorandum No. 49725-A.H.-IV-2/55-1, Health, dated 25th May 1955.

Order—No. 1852, Health, dated 30th May 1955.

It has come to the notice of the Government that a female child, Vasantha, aged 6 years, reading in I Class at the London Mission School, Rengai Goundar street, Coimbatore, was B.C.G. vaccinated on the 18th November 1954, and that after the second (smallpox) vaccination on December 1954, in the school she had lost her eye sight.

The Government have decided to constitute a High Power Committee to visit and examine the above case immediately at Coimbatore.

2. The Government appoint the following gentlemen as the personnel of the Committee :—

(1) Dr. K. Vasudeva Rao, Honorary Physiologist, Government Tuberculosis Sanatorium, Tambaram (*Leader*).

(2) The Superintendent, Government Ophthalmic Hospital, Madras (*Member*).

(3) Dr. K. S. Sanjeevi, Professor of Medicine, Madras Medical College, Madras (*Member*).

(4) The local physician at Coimbatore, who treated the child Vasantha (*Member*).

3. Dr. K. Vasudeva Rao will draw travelling allowance and daily allowance admissible to non-official members of first-class Government Committees in connexion with the journeys the Committee undertakes; and the Government Medical Officers on the Committee will draw travelling allowance and daily allowance at the rates admissible to the officers of their grade under the Madras Travelling Allowance Rules.

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The expenditure will be debited to "39. Public Health—
a. Public Health Establishment—G. Anti-Tuberculosis campaign."

(By order of the Governor)

K. GHULAM MAHMOOD,
Joint Secretary to Government.

II

Report of the Committee appointed by Government in G.O. Ms. No. 1852, Health, dated 30th May 1955.

The Committee appointed in G.O. Ms. No. 1852, Health, dated 30th May 1955, met in the Government Headquarters Hospital, Coimbatore, at 9 a.m. on 9th June 1955. The Physician who treated child Vasantha in the hospital, could not be present and was represented by his assistant, Dr. Ganapathy.

The main reference to the Committee was to report on the case of child Vasantha who is said to have lost her eye sight as a result of B.C.G. vaccination and smallpox vaccination.

The public of Coimbatore having come to know that an enquiry is being held in the case of child Vasantha, three other persons who were affected by B.C.G. vaccination, presented themselves before the Committee. These persons were also examined.

In this connexion, the following persons were examined by the Committee :—

- (1) Sri G. M. Krishnaraja Chettiar, father of Child Vasantha.
- (2) Sri Bella Sami Chetty, father of child Rukmini.
- (3) Dr. N. Kandaswami, Medical Practitioner.
- (4) Dr. Rajagopal Udupa, Medical Practitioner.
- (5) Dr. Balakrishnan, Ophthalmologist, Government Headquarters Hospital, Coimbatore.
- (6) Patient Vasantha.
- (7) Patient Rukmini.
- (8) Patient Banumathi.
- (9) Patient Varadarajan.

The following is a list of appendices to this report :—

- (1) Copy of case sheet of child Vasantha.
- (2) Copy of prescription book regarding treatment given to child Vasantha in the hospital.
- (3) Statement of Sri G. M. Krishnaraja Chettiar, father of Vasantha.
- (4) Report on the physical examination of Vasantha conducted on 9th June 1955.
- (5) Statements of Doctors Kandaswami and Rajagopal Udupa.

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(6) The case of Rukmini, daughter of Sri C. Bella Sami Chettiar, as elicited by the Committee.

(7) Copy of case sheet of Rukmini.

(8) Copy of letter from Dr. L. Munuswami regarding child Vasantha.

(9) Extract from the nominal register of Moses Gnana-paranam Eye Hospital.

(10) Extract from the attendance register of C. S. Girls' School.

(11) X-Rays of child Vasantha.

(12) X-Rays of child Rukmini.

Case of child Vasantha.—A summary of the case is as follows :—

Vasantha was tuberculin (Mantoux) tested on 15th November 1954, and B.C.G. vaccinated on 18th November 1954. The child ran an "Influenza like" fever for two or three days. Later, on 3rd December 1954, the child was given smallpox vaccination. Since then, the child was having fever for five days and the fever stopped and the child was attending school since, except when she felt feverish. The loss of sight was sudden and noticed on the morning of 22nd December 1954. It was not preceded by headache, vomiting or any serious state of health. The child was admitted into the Government Headquarters Hospital at Coimbatore on 24th December 1954 and during the stay of the child in the hospital, a semi-conscious state, transient paralysis, first of the left side and then of the right side, were noticed for a few days. Twitchings reported as "fits" have been noted on the case sheet, but no "fits" have been recorded in the nurses' reports. Lumbar puncture was done on 28th December 1954, and the cerebro spinal fluid was found to be normal. The treatment carried out at the hospital consisted of two days of Penicillin, followed by three days of Streptomycin $\frac{1}{2}$ gm. daily with Isonex 50 m.gms. daily, at the end of which, all specific treatment was stopped and only Vitamins were given. The child made a complete recovery, except for persistent blindness due to optic atrophy of both the eyes.

On 9th June 1955, the Members of the Committee made a thorough examination of the physical condition of the child and a detailed report is given in Appendix No. 4. The only positive findings were slight ptosis of both the eyes, nystagmoid movements, slight partial paresis of the upper *motor neurone* type of the right lower half of the face and complete bilateral optic atrophy with no perception to light.

What was the diagnosis of the child's illness which resulted in the loss of her eyes? The Committee is convinced that the most likely diagnosis should be one of "Encephalitis", for the following reasons :—

(1) The state of drowsiness and semi-consciousness referred to in Dr. Rajagopal Udupa's statement and the hospital records.

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(2) The transitory paralysis noted.

(3) The absence of changes in the cerebro spinal fluid contents.

(4) The persistence of slight bilateral ptosis, the marked nystagmoid movements of the eyes and the optic atrophy, most probably post-neuritic.

It should be noted that optic neurites has been recorded in quite a number of cases of 'epidemic encephalitis', and 'opt. catrophy', has been mentioned as a possible permanent sequel indicative of the damage to the nervous system.

Another question that will naturally arise in this case is the relationship between the smallpox vaccination and the neurological complications. While the differential diagnosis between 'epidemic encephalitis' and 'acute disseminated encephalomyelitis', following smallpox vaccination, may be difficult, it should be noted that in this case, there has been no evidence of an involvement of the spinal cord which is an usual feature of the latter condition.

Besides, the case of Rukmini, daughter of Sri Bellasami Chettiar, should be considered here. She lives about one furlong from Vasantha in the house of Sri G. M. Krishnaraja Chettiar's father-in-law. There is apparently contact between the two families. Rukmini was tuberculin tested about the same period (the exact date is not available), but no B.C.G. vaccination was given. The child apparently suffered from a swelling of the whole body and a semi-conscious state at the time of admission into the Government Hospital on 12th January 1955. There was a transitory presence of albumin and sugar in the urine, but no casts. The child was discharged on 31st January 1955 with a diagnosis of 'acute nephritis', but the parents are certain that the child is still markedly swollen, compared to her original condition. On examination, there is no pitting and no albumin in the urine. Besides, the child showed restlessness, sub-normal intelligence, frequent micturition (Polyuria?), and pallor of the optic discs in both the eyes. The Committee is unable to agree with the hospital diagnosis of 'acute nephritis' in the light of the present condition of the child. It is considered that a diagnosis of 'epidemic encephalitis' will be more appropriate for the reasons stated above. The persistent tendency to obesity, Polyuria, and some form of mental change in the direction of emotional instability, and intellectual impairment, are among the well-known features recorded in some cases of 'encephalitis'. It is also quite accepted that there need be no relation between the type of severity of the original illness and the metabolic and mental after-effects.

Considering the illness of Vasantha and Rukmini to have been 'epidemic encephalitis', one must conclude that there must have been sporadic cases of this disease in this locality during the cold season of 1954. To decide whether there were more cases and what happened to them, will require a lengthy survey. It may be mentioned here, that Dr. Balakrishnan, Ophthalmologist, attached

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to the Government Headquarters Hospital, Coimbatore, gave it as his impression that there was a definite increase of 'optic atrophy' in and around Coimbatore during recent years. An epidemic of 'encephalitis lethargica' may be composed of a large number of sporadic cases. On the other hand, a number of well authenticated cases with contact infection has been recorded. It has been suggested that the infection may arise from a carrier or a mild abortive case. In the spread of certain other types of encephalitis, e.g., St. Louis Encephalitis, mosquitoes, mainly culex, have been conclusively shown to be the vectors. Apparently, here, the particular type of virus had a special predilection for the optic nerves.

No one can answer the question as to whether B.C.G., smallpox vaccination, or mere tuberculin used in mantoux testing, could have made any difference to the clinical picture of a person incubating a virus infection. There is an undoubted clinical state known as post-vaccinal encephalomyelitis, but its virus etiology is not established. It has been suggested that apart from viruses, many chemical and unidentified substances may produce an allergic vascular thrombosis, which in turn, can produce the characteristic histological picture of demyelination. Sulphonamide for example, has been known to produce such neurological complications.

The next question to answer is whether the child suffered from Tuberculous Meningitis. The answer to this is a definite "No", for the following reasons:—

(1) The results of the cerebro spinal fluid examination (the normal sugar and chloride contents and the cells being only 7). In the case of Tuberculous Meningitis, there will be a definite drop in the sugar and chloride content, whereas in this case, no such lowering was noticed. The cells were only 7, and there was neither any web formation nor were there any organisms.

(2) The child has recovered spontaneously, having had only three daily injections of Streptomycin of $\frac{1}{2}$ gm. each and three days of Isonex 50 m.gms. a day orally.

(3) There has been no clinical evidence of Meningitis such as severe headache, photophobia and neck rigidity.

(4) A thorough clinical examination did not reveal the presence of any Tuberculous lesion anywhere in the body.

(5) X-Ray.—Tuberculous lesions are never primary in the nervous system. X-Rays of the chest, of the joints and the spine, showed no evidence of Tuberculous focus in them.

Could the optic nerve lesion have been a primary tuberculous condition? The answer to this question is, while tuberculous exudates surrounding the points of exit may produce neurites of cranial nerves, a primary tuberculous lesion in the optic nerve, is exceedingly rare, if not unknown.

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It is inevitable that in a mass Vaccination programme for any disease, there may be an occasional child incubating an illness totally unrelated to Tuberculosis, and the disease manifesting itself soon after Mantoux testing or B.C.G. vaccination, may then be ascribed to the procedure.

The Committee is definitely of the opinion that the cause of blindness in both Vasantha and Rukmini, was "epidemic encephalitis", and had definitely no relationship to tuberculous disease.

Two other persons presented themselves for examination. A child, Banumathi, had a small healed ulcer di-pigmented over the left arm. It did not require any further attention. A boy, aged 18 (Varadarajan), complained of persistent pain over the left shoulder after the B.C.G. vaccination. There was no evidence of pathological lesion in or around the shoulder joint. The movements were free and there was no evidence of any disease.

The Committee is grateful to the Medical and Public Health staff for the valuable help rendered in our enquiry. The Committee is also grateful to child Vasantha and her parents for giving us every facility for examining the child.

In view of the doubts expressed regarding the ability of the Committee to give an unprejudiced report, the Committee desires to state that the Appendices are true copies of the documents, and that the conclusions are *bona fide* and academic.

K. VASUDEVA RAO.

K. S. SANJIVI.

16th June 1955.

T. T. RAMALINGAM.

APPENDIX No. 1.

I.P. No. 21460.

GOVERNMENT HEADQUARTERS HOSPITAL, COIMBATORE.

Case Sheet—Medical.

Ward—Baby Medical.

Bed No.—

Name—Vasantha.

Age—6 years.

Caste—Hindu..

Address—Daughter of Krishna Raj, D. No. 18/286, Rengiah Goundan street, Coimbatore.

Admitted on—24th December 1954 at 9-40 a.m.

Discharged on—18th January 1955 at 6 p.m.

Result—Cured.

Notes written by—

Diagnosis—Encephalitis.

19th August 1955]

Complaint—Fever with slight loss of consciousness and blindness—
25th December 1954. History of having had B.C.G. vaccination
on 18th November 1954 and vaccination for smallpox about a
week before.

Since—Fifteen days.

Respiratory system—Lungs clear—Throat clear.

Cardio vascular system—Heart and circulation—Normal.

Alimentary system—Abdomen soft Liver and spleen—not palpable.

26th December 1954 C.N.S. The child is still semi-conscious not
able to move left upper and lower extremity. Pupils slightly
reacting—Had fits yesterday.

28th December 1954. L.P. done—slightly increased pressure—
fluid normal.

30th December 1954. Conditions same—Had fits ones.

1st January 1955. No stiffness neck. Plantar flexor both sides.
Paresis of Rt. half of the body. No facial palsy—Child restless.
Abdominal jerk not elicited. Tendon Reflex + + +. Child
not able to swallow. Malt extract with shark liver oil. Multi
vitamin tablets.

4th January 1955. Fundus—Disc—Pale both eyes.

6th January 1955. The child is conscious—uses both limbs upper
and lower. Takes feeds. No fits—sleeps well—not able to see
—Pupils dilated.

12th January 1955. Fundus examination—Rt. eye funds—Optic
straphy—Lt. eye disc pale.

18th January 1955. Child conscious—No paralysis, able to walk
—Takes feeds well, unable to see—No fits—No evidence of
neurological abnormality except inability to see. Child
discharged.

Pathological report.

25th December 1954. Urine for RE—Alb. and Sugar—Nil.

15th December 1954. Blood for Kahn—Negative.

L.P. Total cells—7/Cmm.

All Lymphocyts.

Protein—40 Mg. %

Globulin—Negative.

Chloride—700 Mg. %

Sugar—60 Mg. %

No organisms or web.

(True copy)

V. S. GOPALAKRISHNAN,

Assistant Superintendent, Government Headquarters
Hospital, Coimbatore.

K. VASUDEVA RAO.

[19th August 1955]

APPENDIX No. 2.

Treatment at Hospital (Child Vasantha).

24—12—1954. Inj. Penicillin.

25—12—1954. Do.

26—12—1954. (1) Streptomycin $\frac{1}{4}$ gm. ones daily.

(2) Penicillin 100,000 units b.d.

(3) Isonex 25 mgm. b.d.

Paraldehyde 2 c.c. I.M., S.O.S. nasal feed.

27—12—1954 and } Repeat all.
28—12—1954. }

29—12—1954. Stop (1), (2) and (3). (4) Multivitamin with Shark liver oil.

30—12—1954 and } Repeat (4).
31—12—1954. }

1—1—1955. Paraldehyde 2 c.c. I.M., S.O.S.

2—1—1955. Repeat (4).

3—1—1955. Do.

4—1—1955. Vitamin B. Complex 1 c.c. on alternate days—Repeat (4).

Nurse's report.—No Paraldehyde given, though ordered S.O.S. No fits on any day. Nuses always enter occurrence of any fits. (Personal examination of Nurses of the period.) Temperature chart from 24th December 1954 to 18th January 1955—Normal range.

Constipation+.

Pulse—90 to 110.

Respiration—22—26.

K. VASUDEVA RAQ.

APPENDIX No. 3.

SRI G. M. KRISHNARAJA CHETTIAR :

On 18th November 1954, the child was given B.C.G. vaccination on the left arm at the school. The mantoux test was done on 15th November 1954.

The child developed fever the same night (18th November 1954). The child had no fever previously. Next day, Dr. Kandasami was consulted. He gave a mixture which was continued for three days. There was no appreciable accompaniment to the fever.

The child was attending school and eating well.

19th August 1955]

On 3rd December 1954, the child was given smallpox vaccination on the right arm. The child might have had slight fever before smallpox vaccination. The child had primary vaccination at the age of 6 months; it had not taken properly.

On the night of 3rd December 1954 itself, the child developed high fever. Both arms were swollen and painful. The usual local applications of powder and oil were made to the arms. The fever lasted about five or six days. There were no accompaniments, such as headache; vomiting; cough.

When the fever stopped, the swelling on the arms persisted but the child was attending school uptill about the 17th. On the 21st or 22nd morning (I am not sure), on waking up from sleep, the child complained of loss of vision in both eyes. The child was reading till about 10 p.m. the previous night; and made no complaints of headache, vomiting or any other symptoms.

The same day, the child was taken to Dr. Rajagopal Udupa, a general Practitioner. The child was given a mixture and was asked to come next day. The same afternoon, the child was taken to Dr. Munusami, who gave an injection and asked the child to be brought the next day. Next day, he examined the child again and advised me to take the child to the Headquarters Hospital.

On the 24th morning, on the way to the Government Hospital, we attended the Moses Gnanaparanam Hospital. Dr. Kandasami and another doctor saw the child and advised admission into Government Hospital.

There was no fever at the time of admission; no headache or vomiting. The child was fully conscious, walking well and eating well.

The child became unconscious; with inability to use the limbs at times (cannot say which limbs) only during the stay in the hospital. After a few days, the child regained consciousness, power over the limbs and ability to talk. She walked to the carriage on discharge from Hospital.

Dr. John has seen her since discharge from hospital (about a month later), and given his opinion that no cure can be effected.

When there is illness in the house, we consult Dr. Kandasami, Dr. Rajagopal Udupa, or Dr. L. Munusami. From 18th November to 22nd December 1954, the child was given no native medicine.

I have five children living; healthy. Vasantha is the fifth child. The fourth child died about three years back after a few days illness at the age of 3. No abortions in wife.

During the period November-December 1954, the other children were quite healthy.

I accompanied the child to hospital.

There were no fits at home prior to admission in hospital.

K. VASUDEVA RAO.

[19th August 1955]

APPENDIX No. 4.

Physical examination of child Vasantha, conducted on 9th June 1955—

Intelligent; answers questions well. Slight ptosis of both eyes. Marked nystagmoid movements.

Lower half of right side of face shows slight paresis (nasolabial fold not as marked as on left side).

Otherwise, rest of nervous system shows no abnormal physical signs. Gait normal.

Heart and lungs—No signs of disease.

Liver and spleen—Not palpable.

No glands palpable.

Skeletal system—Normal.

Report on examination of eyes by Dr. T. T. Ramalingam—

On examination of child Vasantha, it is noticed that there is a slight drooping of both the upper lids, the eyes mostly looking downwards; nystagmoid movements of both the eye-balls more marked on looking to the left. Vertical movements more free than the horizontal. Both the pupils widely dilated and not reacting to light; the child is not attracted even by bright light. There is also slight paresis of the lower half of the right side of the face.

Fundus examination revealed the following :—

Both the discs papery white in colour. Disc margin clear cut, Lamina cribrosa not clearly seen. Arteries slightly narrowed, veins slightly engorged. Optic atrophy post-neuritic? No military tubercles in the choroid seen.

K. VASUDEVA RAO.

APPENDIX No. 5.

DR. KANDASAMI:

On 19th November 1954, patient was brought to me with a history of B.C.G. vaccination on 18th November 1954 and fever on the night of 18th November 1954. I found temperature 101°; the child appeared to have coryza, and was regarded as a case of Influenza. Was given Sod. Sal. with diaphoretic. No headache, vomiting or lung signs. I asked the child to be brought in the evening as I was leaving for Madurai that day. I saw the child again in the evening and found the condition same and repeated the same mixture for two days. Her general appearance suggested no serious condition.

Later, I saw the child as an out-patient case in the Moses Gnana-paranam Hospital. I don't remember the date. I did a fundus examination and found optic atrophy—both eyes. The optic nerve was pale. No evidence of Papillœdema. No choroidal tubercles.

19th August 1955]

The child had no vision. Pupils dilated; not reacting to light, both eyes. The relatives had decided to take the child to hospital and brought it to me on the way to the hospital.

No detailed examination regarding general condition was made. The duration of the blindness was not ascertained.

The family comes to me usually for their illnesses. The other members of the family are healthy. No history of exanthemata in the family at that time.

DR. RAJAGOPAL UDUPA.

The child was brought to me about 22nd December 1954, with a history of sudden loss of sight from previous night; the child was inattentive; with tendency to sleepiness; not taking food properly for a day previous. The child was conscious and walked from the jutka to my room.

K. VASUDEVA RAO.

APPENDIX No. 6.

Rukmini, aged 6, daughter of Sri Bella Sami Chetty, living in Muthanankulam street, about one furlong from Vasantha, in the house of Sri G. M. Krishnaraja Chettiar's father-in-law—Old friends.

Pallor of discs—Pupils widely dilated—is able to follow light—Child restless; sub-normal intelligence; incontinence of urine—Polyuria (?).

Tuberculin tested on (Cannot give date.)

No scar or evidence of B.C.G. Father admits only one injection was given on forearm.

Later, admitted into Government Hospital on 12th January 1955, and stayed for about two weeks; discharged on 31st January 1955.

(Copy of case sheet of Rukmini, as on 9th June 1955.)

Child still swollen, compared to pre-illness period. No œdema. Obesity +

Urine on 9th June 1955—No albumin.

X-ray of skull—A.P. and lateral views—

Prior to this illness, the child was of normal intelligence and understanding and behaviour. Clinical examination showed no other abnormal physical signs in the nervous system, heart or lungs. Liver and spleen not palpable. No glands.

Report on eyes by Dr. T. T. Ramalingam—

Pupils markedly dilated and sluggish in reaction. Is able to follow bright light. Fundus examination revealed pallor of both the discs, more on the right. No changes in the vessels. Rest of the fundus normal. No extraocular paralysis. No tubercles in the choroid.

K. VASUDEVA RAO.

[19th August 1955]

APPENDIX No. 7.

I.P. No. 782—Weaver, Rs. 45.

GOVERNMENT HEADQUARTERS HOSPITAL, COIMBATORE.

Case Sheet—Medical.

Ward—Baby Medical.

Bed No.—

Name—Rukmani.

Age—6 years.

Caste—Hindu.

Address—Daughter of Sami Chetty, 17/87, Muthanankulam street, Coimbatore.

Admitted on—12th January 1955 at 11-20 p.m.

Discharged on—31st March 1955 at 6 p.m.

Result—Cured.

Notes written by—

Diagnosis—Acute Nephritis.

Complaint—Fever—Anasarca.

History of anasarca one month. Stuporose since yesterday. Had fits since one day.

R.S. Lungs—Clear.

Throat—Clear.

C.V.S.—Slow heart beat.

A.C.S.—Abdomen distended.

No spleen—No liver.

Condition—Pupil dilated and fixed. Patient is comatose—No neck rigidity.

Laboratory reports.

14th January 1955 Albumin trace. Sugar plus.

15th January 1955 Urine—M.E. Nil. Abnormal. No. R.B.C. and Pus cells. No casts.

Pencillin 1 lakh, t.d.s.

19/1 Merselyl $\frac{1}{2}$ cc.

(True copy)

9th June 1955.

B. GOVINDARAJ SHENAI,
District Medical Officer, Coimbatore.

K. VASUDEVA RAO.

19th August 1955]

APPENDIX No. 8.

Phone: 689.

Residence:

9/78, Thiruvengataswami Road,
R.S. Puram.

L. MUNUSWAMI, M.B., B.S.,

Consulting Rooms and Dispensary:
230, Oppanakara Street, Coimbatore,
9th June 1955.

Dear Dr. Vasudeva Rao,

[T.B.—“B.C.G. vaccination—Case of blindness due to vaccination”
—Child Vasantha.]

The child was brought to me one evening with temperature and a history of blindness from the previous day. Clinically, I thought it was a case of (?) Meningitis and I gave her 4 lakh units of Procain Penicillin and Sulphadiazine, 1 tablet t.d.s.

Next day, they came with no improvement and I directed them to go to the Government Hospital.

Yours faithfully,
(Sd.) L. MUNUSWAMI.

(True copy)

K. VASUDEVA RAO.

APPENDIX No. 9.

Moses Gnanabaranam Eye Hospital.

Telephone No. 274,
Coimbatore,
9th June 1955.

DOCTORS:

I. PICHAI ROBERT.

N. KANDASWAMI.

True copy of the extract from the nominal register of
out-patients in the above hospital.

Date—24th December 1954.

Serial number—24764.

Name—Vasantha.

Age—6 years.

Disease—Optic Neuritis.

(True copy)

(Sd.) N. KANDASWAMI, L.M.P.,

Assistant Medical Officer.

K. VASUDEVA RAO.

9th June 1955.

December 1954.

19th August 1965]

Sunday.

Saturday.

Sunday.

K. Vasantha .. x L L L A L L x x x A A x x x x Sick S S S S S —Holidays—X'mas—

Reported to have left
for some place—
Palani.

January 1955.

K. Vasantha .. Sick-----Sick-----Struck off the register-----

(True extract)

7th June 1955.

EVELINE DEVADOS,
Headmistress,
C.S.I. Girls' School, Rengai Gownden street.

APPENDIX

[Vide answer to starred question No. 2114 asked by Sri V. Balakrishnan at the meeting of the Legislative Assembly held on 19th August 1955, page 120 supra.]

Department.	(a) Number of permanent hands of the former Pudukkottai State listed as "unqualified" (department- wise).	(b) Number of such unqualified employees			(c) Number of such "unqualified" not absorbed and not given the Madras State scales at all.	(d) Number of temporary employees listed "Unqualified" (department- wise).	(e) Number of such hands ousted from service after 3rd March 1948.
		Absorbed (department- wise).	Allowed the arrears of Madras State scales of pay from 1st January 1949.	Not allowed the arrears from 1st January 1949.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Commercial Tax	3	3	..	3	..	1	..
Co-operation	2	2	..	2	..	3	..
Education—							
(1) Education	3	3	2	1	..	..	..
(2) Government Museum.	11	11	9	2	..	..	..
Excise and Prohibition ..	2	..	..	..	2	1	1
Forest	15	2	2	..	13	4	1
Highways	14	14	10	4	..	2	..
Indigenous Medicine ..	1	1	..	1	..	..	..
Industries	1	1	1	..	..	2	..
Jail	1	1	..	1	..	..	..
Judicial	19	19	4	15	..	..	..
Medical—							
(1) Ministerial Staff ..	1	1	1	..	..	1	..
(2) Nurse and Maternity tants.	23	23	23	..	..	..	..
Police	3	3	1	2	..	..	..
Public Health	14	12	12	..	2	4	3
Public Works	9	9	7	2	..	5	..
Registration	12	12	12	..	..	..	..
Revenue—							
(1) Land Revenue ..	1	1	..	2	..	33	..
(2) Settlement of estates	2	1	..	1	..	8	..
Total ..	187	120	84	36	17	64	5

19th August 1955]

APPENDIX IV.

[Vide answer to starred question No. 2116 asked by Sri K. R. Viswanathan at the meeting of the Legislative Assembly held on 19th August 1955, page 121 supra.]

(a) No. Only an extent of 85 acres of land in Konur and Vadagarai villages in Vriddhachalam taluk, South Arcot district, is under acquisition for the restoration of the Konur tank.

(b) Yes.

(c) Yes.

(d) The following are the reasons :—

(1) Possession of the lands to be acquired was taken by the Public Works Department by private negotiation in this case. The owners who agreed to part with their lands had not expressly waived their claim for interest on the compensation amount from the date of taking possession of the lands, to the date of payment of compensation. Under the Land Acquisition Act, such interest has to be paid. Taking into account, the interest payable to the owners along with the compensation amount, it was found that in some cases the owners had to be paid cash over and above the grant of lands in exchange while in some other cases the owners would have to be called upon to pay for the difference in land value. This is not permissible under the Act.

(2) There was no agreement among the persons entitled to compensation, on the question of the distribution of the lands already parcelled out and it was not possible to settle all disputes and bring about an agreement and make the grant within the period of six months allowed for the grant of compensation otherwise than in cash.

(3) There are encroachments in the poramboke lands proposed to be granted in exchange in Konur and Kosapallam villages. The majority of encroachers are Harijans. It is not possible to evict them from the lands in question at present.

(4) In cases in which there are doubts in regard to ownership or apportionment of compensation the matter is to be referred to the Civil Court under the Land Acquisition Act and the decision of the Court has to be obtained before the award is actually passed.

(5) In some cases the lands acquired are held under mortgage or without possession by any person, and the compensation amount will have to be paid to the mortgagee towards the debts if both the parties agree to such a course. If not, the compensation amount will have to be deposited in Court. In such cases it will not be possible to grant lands in exchange.

[19th August 1955]

(g) Interest on the compensation payable is already accumulating and further delay in payment would only result in unnecessary liability to Government. Consequently, the extent of lands to be given in exchange should be proportionately increased, involving further subdivision work.

(e) Yes.

(f) The request of the owners to grant lands in exchange was found not feasible for the reasons mentioned in sub-paragraph (d).

APPENDIX V.

[Vide answer to starred question No. 2120 asked by Sri M. Kalyanasundaram at the meeting of the Legislative Assembly held on 19th August 1955, page 124 supra.]

G.O. No. 996 Public (Elections), dated 24th March 1955.

[Madras Legislature—Secretariat staff—Recruitment and conditions of service of persons appointed—Rules under Article 187 (3) of Constitution of India—Issued.]

The following notification will be published in an extraordinary issue of the *Fort St. George Gazette*, dated 24th March 1955 :—

NOTIFICATION.

In exercise of the powers conferred by clause (3) of Article 187 of the Constitution of India, the Governor of Madras, after consultation with the Speaker of the Legislative Assembly and the Chairman of the Legislative Council, hereby makes the following rules :—

THE MADRAS STATE LEGISLATURE
SECRETARIAT SERVICE RULES.

1. *Short title, commencement and extent.*—(a) These rules may be called the Madras State Legislature Secretariat Service Rules and shall come into force on the 24th March 1955.

(b) They shall also apply to all persons appointed to the Service on or before the 24th March 1955.

(c) When a post is created as a temporary addition to the cadre of the service in any class or category thereof, the rules applicable to holders of permanent posts borne in that class or category shall apply to the holder of the said temporary post.

Explanation.—In this sub-rule, the expression “the holder of the said temporary post” shall mean the person counted against the said temporary post.

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2. *Definitions*.—In these rules, under the context otherwise requires,—

(1) “*Appointed to the service*.”—A person is said to be “appointed to the service” when, in accordance with these rules or in accordance with the rules applicable at the time, as the case may be, he discharges for the first time the duties of a post borne on the cadre of the service or commences the probation or training, prescribed for the members thereof.

(2) “*Approved candidate*” means a candidate whose name appears in an authoritative list of candidates approved for appointment to any class or category of the service.

(3) “*Approved probationer*” in the service, class or category means a member of the service, class or category who has satisfactorily completed his probation and awaits appointment as a full member of the service, class or category.

(4) “*Backward Classes, Scheduled Castes and Scheduled Tribes*” mean the classes, castes and tribes notified as such, from time to time, by the State Government.

(5) “*Commission*” means the Madras Public Service Commission.

(6) “*Discharge of a probationer*” means in case the probationer is a full member or an approved probationer of another service, class or category reverting him to such service, class or category and in any other case, dispensing with his services.

(7) “*Duty*”.—A person is said to be “on duty” as a member of the service—

(a) when he is performing the duties of a post borne on the cadre of the service or is undergoing the probation or training, prescribed for any such post; or

(b) when he is on joining time; or

(c) when he is absent from duty on authorised holidays or on casual leave taken in accordance with the instructions regulating such leave issued by the State Government, having been on duty immediately before and immediately after such absence.

(8) “*Full member*” of the service means a member of the service who has been appointed substantively to a permanent post borne on the cadre thereof.

(9) “*Member of the service*” includes a probationer or an approved probationer as well as a full member of the service.

(10) “*Military duty*” means the duty declared as such, from time to time, by the State Government.

(11) “*Probationer*” in the service means a member of the service who has started his probation but has not completed it.

(12) “*Promotion*” means the appointment of a member of any category or class of the service to a higher category or class of the service.

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(13) "*Recruited direct*".—A candidate is said to be "recruited direct" to a service, class, category or post when, in case his first appointment thereto has to be made in consultation with the commission, on the date of its notification inviting applications for the recruitment and in any other case, at the time of his first appointment thereto, he is not in the service of the Government of India or the Government of a State :

Provided that for the purposes of this definition a person shall be deemed to be not in the service of the Government of India or the Government of a State—

(i) if a period of five years has not elapsed since his first appointment to a service of the Government of India or the Government of a State; or

(ii) if he holds a post, the conditions of service of the holder of which have been declared to be matters not suitable for regulation by rule; or

(iii) If he belongs to the Scheduled Castes, Scheduled Tribes or Backward Classes.

(14) "*Recruited by transfer*".—A candidate is said to be "recruited by transfer" to the service—

(a) if at the time of his first appointment thereto, he is either a full member or an approved probationer in the Madras High Court Service or in any other service, the rules for which prescribe a period of probation for members thereof; or

(b) in case at the time of his first appointment thereto, he is the holder of a post which has been included in another service but for which no probation has been prescribed, if he has put in in that post satisfactory service for a total period of two years on duty within a continuous period of three years.

(15) "*Selection category*" means a category of any class of the service declared as such under these rules.

3. *Cadre*.—The permanent cadre of the service and of each class and category thereof shall be determined by the State Government.

4. *Constitution*.—The service shall consist of the following classes and categories of officers :—

Class I—Gazetted Posts.

Category 1—Secretary to the State Legislature.

„ 2—Deputy Secretary to the State Legislature.

„ 3—Assistant Secretary to the State Legislature.

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Class II—Non-Gazetted Superior Posts.

Category 1—Superintendents.

„ 2—Reporters.

„ 3—Assistant Superintendent.

„ 4—Librarian.

„ 5—Personal Assistants to the Speaker of the State Legislative Assembly and to the Chairman of the State Legislative Council.

„ 6—Upper Division Clerks.

„ 7—Lower Division Clerks.

„ 8—Steno-typists.

„ 9—Typists.

Class III—Sergeant, Library attender, Record-keeper and other Attenders.

Category 1—Sergeant for the Legislators' Hostel.

„ 2—Library Attender.

„ 3—Record-keeper.

„ 4—Other Attenders.

Class IV—Last Grade Service Posts

Category 1—Dubash.

„ 2—Duffadar and Chobdars.

„ 3—Peons.

„ 4—Chowkidars.

5. *Appointing authority.*—The appointing authority in respect of the various posts included in the different classes and categories of the service shall be as specified in Appendix I :

Provided that, in the case of the appointment to category 5 of class II, the Secretary shall appoint a person, if any nominated by the Speaker, or by the Chairman, as the case may be.

6. *Appointment to the service.*—(a) Appointment to the service in different classes and categories thereof shall be made in accordance with the methods and in the order of preference specified against each category in Appendix II.

(b) A person appointed by direct recruitment to category 5 of class II shall not be regarded as a full member of the service and his appointment to this category shall not confer on him any claim to appointment to any other substantive or temporary peon in the service, or any other service.

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7. *First appointment.*—(a) All appointments by direct recruitment or by transfer to any class or category of the service shall be made by the appointing authority from a list of approved candidates prepared for this purpose.

(b) Every person appointed as Secretary to the State Legislature, otherwise than by promotion, shall before taking over full charge of the post, undergo training under the Secretary for such period as may be specified in this behalf by the State Government at the time of notifying his appointment. During the period of training he will be eligible to draw pay in the time scale attached to the post and to count the period for his probation.

8. *Qualifications.*—(a) *General.*—No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the Commission in cases, where the appointment has to be made in consultation with it, or the appointing authority in other cases—

(i) that he is of sound health, active habits and free from any bodily defect or infirmity which would render him unfit for the service; and

(ii) that his character and antecedents are such as to qualify him for the same.

(b) *Special.*—No person shall be eligible for appointment to any of the posts referred to in column (3) of Appendix III by any of the methods specified in the corresponding entries in column (4) thereof unless he possesses the qualifications specified in the corresponding entries in column (5) of the said appendix :

Provided that this sub-rule shall not apply for purposes of promotion of persons who are members of the service in class II on the date of coming into force of these rules.

(c) *Age.*—No candidate shall be eligible for appointment to any of the posts referred to in column (3) of Appendix IV by any of the methods specified in the corresponding entries in column (4) thereof unless he is within the age limit prescribed in the corresponding entries in column (5) of the said appendix on the first day of July of the year in which the selection for appointment is made.

9. *Probation.*—Every person appointed to a category shall, from the date on which he joins duty, be on probation as follows :—

(i) If he is a direct recruit For a total period of two years on duty within a continuous period of three years,

(ii) If he is recruited by promotion—

(a) if, at the time of such appointment, he has not satisfactorily completed his period of probation in the category or class from which he is promoted. For a total period of two years on duty within a continuous period of three years,

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(b) If, at the time of such appointment, he has satisfactorily completed his period of probation in category or class from which he is promoted. For a total period of one year on duty within a continuous period of two years.

(iii) If he is recruited by transfer .. For a total period of one year on duty within a continuous period of two years.

10. *Probation, suspension and termination.*—At any time before the expiry of the prescribed period of probation, or the extended period of probation, as the case may be, the appointing authority may—

(i) suspend the probation of a probationer and discharge him from the service, class or category for want of vacancy; or

(ii) by order, terminate the probation of a probationer and discharge him from service, class or category or extend the period of his probation, after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

11. *Probationer's suitability for full membership.*—(a) At the end of the prescribed period of probation or the extended period of probation, as the case may be, the appointing authority shall consider the probationer's suitability for full membership of the service, class or category to which he was appointed.

(b) If the appointing authority decides that a probationer is suitable for such membership, an order shall, as soon as possible, be issued declaring the probationer to have satisfactorily completed his probation on the date of the expiry of the prescribed period or extended period of probation.

(c) If the appointing authority decides that the probationer is not suitable for such membership, it shall, at its discretion, by order, either terminate his probation and discharge him from the service, class or category or extend the period of probation under sub-rule (d) after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(d) In the case of any probationer falling under sub-rule (c), the appointing authority may extend his probation. Such extended period of probation shall terminate at the latest when the probationer has completed one year of duty. In cases where the probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the

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effect of postponing future increments after he has passed the prescribed tests or examinations or after he is declared to have satisfactorily completed his probation.

12. *Appeal against discharge.*—(a) A probationer in classes II to IV who is discharged under clause (c) of rule 11 shall be entitled to appeal against the order of discharge passed by the competent authority to the authority to which, and within the period of limitation within which, an appeal would lie against an order of dismissal passed by the competent authority against a full member of the service, class or category as the case may be.

(b) The authority competent to entertain an appeal under sub-rule (a) may, either of its own motion or otherwise, revise any order discharging a probationer under the provision referred to in the said sub-rule, within one year of the date of such order.

(c) (i) When an order discharging a probationer is set aside on appeal under sub-rule (a) or on revision under sub-rule (b) and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may, with the previous sanction of the State Government, be treated as on duty except for purposes of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed.

(ii) Such probationer may, during the period on and from the date of his discharge to the date of his restoration, be paid such pay and allowances not exceeding the pay and allowances to which he would have been entitled if he had not been discharged, as the authority passing the order under sub-rule (a) or (b) may, with the previous sanction of the State Government, determine.

13. *Discharge and re-appointment of probationers and approved probationers.*—(a) Probationers and approved probationers shall be discharged for want of vacancies in the following order, first, the probationers in the order of juniority; and second, the approved probationers in the order of juniority.

(b) Approved probationers and probationers who have been discharged for want of vacancies shall be re-appointed as vacancies arise, in the inverse of the order laid down in sub-rule (a).

(c) The order of discharge or of re-appointment prescribed in sub-rules (a) and (b) may be departed from in cases where its observance would involve exceptional administrative inconvenience but without affecting the relative seniority of the officers concerned.

14. *Right of approved probationers and probationers to reappointment.*—A vacancy in any category in any class of the service shall not be filled by the appointment of a person who has not yet commenced his probation therein, when an approved probationer or a probationer therein is available for such appointment.

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15. *Appointment of full members.*—An approved probationer shall be appointed to be a full member of the service in the category for which he was selected, at the earliest possible opportunity, in any substantive vacancy which may exist or arise in the permanent cadre of such category; and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date, or as the case may be, from a subsequent date, from which he was continuously on duty as a member of the service in such category or in a higher category or class :

Provided that, where more than one approved probationer is available for such appointment as full member, the seniormost approved probationer shall be appointed.

Explanation.—For the purposes of this rule, an approved probationer on leave shall be deemed to be on duty as a member of the service in the category concerned, if he would have been on duty in such category or in a higher category but for his absence on leave.

16. *Service in a higher class or category counting for probation.*—A probationer in any category of the service shall be eligible to count for probation, his service, if any, performed on regular appointment in accordance with these rules or on a temporary appointment under rule 17 in a higher category or class of the service, if he would have continued to be a probationer in the former class or category but for such regular or temporary appointment in the higher class or category of the service.

17. *Temporary appointments and promotions.*—(a) Where it is necessary in the public interest owing to an emergency which has arisen to fill immediately a vacancy in a post borne on the cadre of the service and there would be undue delay or administrative inconvenience in making an appointment in accordance with these rules to fill up the vacancy, the appointing authority may appoint or promote temporarily otherwise than in accordance with these rules, any person possessing the qualifications prescribed for the post until an appointment is made in accordance with these rules.

(b) A person appointed under sub-rule (a) shall be replaced as soon as possible by an approved candidate qualified to hold the post under the rules or by a member of the service who is entitled for promotion under the rules as the case may be.

(c) A person appointed or promoted under sub-rule (a) shall not be regarded as a probationer in such category or be entitled, by reason only of such appointment or promotion, to any claim to future appointment or promotion, to such category.

(d) If a person appointed or promoted under sub-rule (a) is subsequently appointed or promoted in accordance with the rules he shall commence his probation, if any, from the date of such, subsequent appointment or promotion or from such earlier date

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as the appointing authority may determine. He shall also be eligible to draw increments in the time scale of pay applicable to him from the date of commencement of his probation, but shall not be entitled to arrears of pay unless otherwise ordered by the State Government.

(e) Subject to the provisions of Fundamental Rule 30, there shall be paid to the person appointed or promoted under sub-rule (a) either his substantive pay or the pay of the lowest grade or the minimum in the time scale of pay, as the case may be, applicable to the higher class or category whichever is higher.

18. *Promotions*.—(a) All promotions shall be made by the appointing authority.

(b) Promotions to selection categories shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

(c) All other promotions shall, subject to the provisions of rule 8, be in accordance with seniority unless the promotion of a member has been withheld under these rules as a penalty.

(d) *Revision of orders of to selection posts*.—An order promoting a member of the service to a selection category, made by a competent authority, may be revised by an authority to which an appeal would lie against an order of dismissal passed on a full member of the service. Such revision may be made by the appellate authority aforesaid either *suo motu* at any time, or on a petition submitted by any aggrieved member within six months from the date of passing the order :

Provided that the said period of six months may be extended by the appellate authority if sufficient cause is shown for the delay in the submission of petition.

19. *Selection category*.—For the purposes of sub-rule (b) of rule 18, the following categories shall be deemed to be selection categories :—

(1) *Class I—Gazetted Posts.*

Category 1—Secretary to the State Legislature.

„ 2—Deputy Secretary to the State Legislature.

„ 3—Assistant Secretary to the State Legislature.

(2) *Class II—Non-Gazetted Superior Posts.*

Category 1—Superintendents.

„ 2—Reporters.

„ 3—Assistant Superintendent.

„ 4—Librarian.

„ 6—Upper Division Clerks.

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(3) *Class III—Sergeant, Library Attender, Record-keeper and other Attenders.*

Category 1—Sergeant for the Legislators' Hostel.

„ 2—Library Attender.

„ 3—Record-keeper.

20. *Seniority.*—(a) The seniority of a member of the service or class or category shall, unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to the service, class or category. If any portion of the service of such person does not count towards probation under rule 17, his seniority shall be determined by the date of commencement of the service which counts towards probation.

(b) Subject to these rules, the appointing authority may, at the time of passing an order appointing two or more persons simultaneously to any category of the service, fix the order of seniority among them.

(c) Where a member of any category has been reduced to a lower category he shall, in the absence of a special order to the contrary, take the first rank among the members in the latter.

21. *Pay, allowances, leave, leave-salary, pension and other conditions of service.*—The Government Servants Conduct Rules, the Fundamental Rules, the Madras Leave Rules, 1933, and the Pension Rules for the time being in force shall, in so far as they may be applicable, govern the members of the service in regard to their pay, allowances, leave, leave-salary, pension and other conditions of service :

Provided that nothing contained in this rule shall affect the operation of the provisions of Article 526 of the Civil Service Regulations relating to the fixation of pay of a member of the service who is in receipt of a military pension.

22. *Reduction of full members.*—If a full member of any class or category of the service is reduced to a lower class or category of the service, he shall be deemed to be a full member of the latter and the permanent cadre thereof, shall, if there is no vacancy in which he could be absorbed, be deemed to be increased by one so long as such member continues therein :

Provided that against every such addition an officiating or temporary vacancy, if any, in such class or category shall be kept unfilled and such addition shall be absorbed in the permanent vacancy that subsequently arises in the latter class or category of the service.

23. *Relinquishment of rights by members.*—Any member of the service may, in writing, relinquish any right or privilege to which he may be entitled under these rules and a relinquishment once made shall be final and irrevocable.

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24. *Consequences of resignation.*—A member of the service shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of the resignation but all his previous service under the Government.

25. *Membership of more than one service.*—A probationer or an approved probationer or a full member of another service, who is appointed to be a full member of the service, shall cease to be a member of the former service.

26. *Members absent from duty.*—If a member is absent from duty whether on leave, on foreign service or on deputation or for any other reason, whether his lien in a post borne on the cadre of the service is suspended or not, he shall be entitled to all the privileges in respect of appointment, seniority, probation, appointment as full member *in the post in which he has been on duty prior to his absence*. But this rule will not adversely affect the rights of his juniors to promotion during the period of his absence.

27. *Savings.*—Nothing contained in these rules shall adversely affect the rights and privileges acquired by any member of the service under the rules in force prior to the coming into force of these rules.

28. *Penalties.*—The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon the members of the service :—

(i) Censure.

(ii) Fine in the case of persons holding posts under Class IV of the service.

(iii) Withholding of increments or promotion.

(iv) Reduction to a lower rank in seniority or to a lower class or category in the service or to a lower stage in a time scale.

(v) Recovery from pay of the whole or part of any pecuniary loss, caused to the State Government or Central Government, by negligence or breach of orders.

(vi) Compulsory retirement otherwise than under Article 465 (2) or under Note I to Article 465-A, of the Civil Service Regulations.

(vii) Removal from the service.

(viii) Dismissal from the service.

(ix) Suspension where a person has already been suspended under sub-rule (e) of rule 33 to the extent considered necessary by the authority imposing the penalty.

Explanations.—(1) The discharge of a probationer or an approved probationer of the service for want of a vacancy does not amount to removal under clause (vii) or dismissal under clause (viii).

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(2) The removal of a member from the service under clause (vii) shall not disqualify him from future employment. But the dismissal of a person from the service under clause (viii) shall ordinarily disqualify him from future employment.

29. *Authority to impose penalties in respect of Class I.*—The authority competent to impose any of the penalties specified in clauses (i) and (iii) to (viii) of rule 28 or suspension pending enquiry into grave charges under sub-rule (e) of rule 33, on the members of the service in Class I, shall be the Governor.

30. *Authority to impose penalties in respect of others.*—The authority, which may impose any of the penalties specified in rule 28, or suspension pending enquiry into grave charges under sub-rule (e) of rule 33 on a member of the service included in Classes II to IV shall be as specified in Appendix V or any higher authority.

31. *Authority to impose penalties in case of persons promoted or transferred or reverted or reduced.*—(a) Where on promotion or transfer, a member of the service in any class is holding an appointment in another class or in another service no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter class or service as the case may be.

(b) Where a person has been reverted or reduced from another service to the service or from one class of the service to another class, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the service or class as the case may be, from which he was reverted or reduced, except by an authority competent to impose the penalty upon a member of such service or class, as the case may be.

32. *Penalties by a Borrowing Authority.*—(a) Where a member of the service to be punished has been lent to a borrowing authority, the power to impose the penalty of compulsory retirement or removal or dismissal shall lie only with the lending authority; the borrowing authority shall in case where it considers that the punishment of compulsory retirement, removal or dismissal should be imposed, complete the inquiry and revert the person concerned to the lending authority for such action as that authority may consider necessary; and

(b) the borrowing authority shall consult the lending authority before imposing any lesser penalty and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty.

33. *Procedure to be followed before imposing penalties.*—(a) In every case where it is proposed to impose on a member of the service any of the penalties specified in clauses (i), (ii), (iii) and (v) of rule 28, he shall be given a reasonable opportunity of making any

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representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.

(b) (i) In every case where it is proposed to impose on a member of the service any of the penalties mentioned in clauses (iv), (vi), (vii) and (viii) of rule 28, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required to put in a written statement of his defence and to state whether he desires an oral inquiry or only to be heard in person. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority conducting the inquiry. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. After the inquiry has been completed the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If no oral inquiry is held and if the person charged had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

(ii) After the inquiry referred to in clause (i) has been completed and after the authority competent to impose the penalty mentioned in that clause has arrived at a provisional conclusion in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the inquiring authority and be called upon to show cause thereafter against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

(c) The requirements of sub-rules (a) and (b) shall not apply where it is proposed to impose on a member of the service any of the penalties mentioned in rule 28 on the basis of facts which have led to his conviction in a criminal court or by a court martial, or where the officer concerned has absconded or where it is for other reasons impracticable to communicate with him.

(d) All or any of the provisions of sub-rules (a) and (b) may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirements of the said sub-rules, and the requirements can be waived without injustice to the persons charged.

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(e) A member of the service may be placed under suspension from the service pending inquiry into charges against him in cases where such charges are grave and where such suspension is necessary in the public interest.

34. *Maintenance of record.*—(a) The authority imposing any penalty under these rules shall maintain a record showing—

(i) the allegations upon which action was taken against the person punished;

(ii) the charges, if any, framed;

(iii) the person's representation, if any, and the evidence, if any, taken; and

(iv) the findings and the grounds thereof.

(b) All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

35. *Appeal.*—A member of the service in Classes II to IV shall be entitled to appeal, from an order of a competent authority imposing upon him any of the penalties specified in rule 28, to the authority specified in column (10) of Appendix V.

36. *Procedure to be followed by appellate authority in appeals.*—(1) In the case of any appeal against an order imposing any penalty specified in rule 28, the appellate authority shall consider—

(a) whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty is excessive, adequate or inadequate; and after such consideration shall pass such order as it things proper.

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded by the appellate authority, if such authority considers, for reasons to be recorded in writing that the error or defect was not material and has neither caused injustice to the person concerned nor affected the decision of the case.

37. *Appeal to be separate and in one's own name.*—Every person preferring an appeal shall do so separately and in his own name.

38. *Conditions to be observed in an appeal.*—Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be addressed to the authority to whom the appeal is preferred and shall be submitted through the usual official channel.

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39. *Withholding of appeal*.—An appeal may be withheld by the competent authority if—

(1) it is an appeal in a case in which under these rules no appeal lies; or

(2) it does not comply with the provisions of rule 38; or

(3) it is not preferred within one month after the date on which the appellant was informed of the order appealed against and no reasonable cause is shown for the delay; or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such an appeal has been decided and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case; or

(5) it is addressed to an authority to whom no appeal lies under these rules :

Provided that, in every case in which an appeal is withheld, the appellant shall be informed of the fact and the reason for it :

Provided further that an appeal, withheld on account only of failure to comply with the provisions of rule 38, may be resubmitted at any time within *fifteen* days of the date on which the appellant has been informed of the withholding of the appeal and if resubmitted in a form which complies with those provisions, shall not be withheld.

40. *No appeal against the withholding of an appeal*.—No appeal shall lie against the withholding of an appeal by a competent authority.

41. *Power to revise or alter orders by an appellate or higher authority*.—An order imposing a penalty specified in rule 28 may, even in cases in which no appeal is preferred, be reversed or altered by the appellate authority prescribed in these rules or by any higher authority.

42. *Forwarding of appeal*.—(a) Every appeal, which is not withheld under these rules shall be forwarded to the appellate authority by the authority against whose order the appeal is preferred with an expression of opinion.

(b) A note about every appeal withheld under rule 39 giving the reasons for withholding it shall be submitted by the withholding authority to the appellate authority within a week from the date of issue of the order withholding it.

43. *Power to call for an appeal withheld*.—An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

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44. *Consultation with the Speaker or Chairman.*—In exercising the powers conferred on him under these rules, the Governor shall, before passing any orders, consult the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, or both and consider their views, if any.

45. *Consultation with the Commission.*—The Madras Public Service Commission shall be consulted—

(1) by the appropriate appointing authority in regard to—

(a) appointment by direct recruitment to categories 1, 2 and 3 of Class I categories 2, 4, 6, 7, 8 and 9 of Class II of the service; and

(b) appointment by transfer to categories 1 and 2 of Class I of the service; and

(2) by the State Government with regard to imposing on officers of Class I of the service, any of the penalties specified in rule 28 except items (i), (ii) and (iii) thereof.

46. *Madras State and Subordinate Service Rules not to apply.*—The Madras State and Subordinate Service Rules shall not apply to this service.

APPENDIX No. 1.

(See rule 5.)

Appointing Authority.

Class.	Category.	Appointing authority.
(1)	(2)	(3)
I	1 Secretary to the State Legislature 2 Deputy Secretary to the State Legislature 3 Assistant Secretary to the State Legislature	The Governor.
II	1 Superintendents 2 Reporters 3 Assistant Superintendent 4 Librarian 5 Personal Assistants to the Speaker of the State Legislative Assembly and to the Chairman of the State Legislative Council 6 Upper division clerks 7 Lower division clerks 8 Steno-typists 9 Typists	
		Secretary to the State Legislature.
III	1 Sergeant for the Legislators' Hostel 2 Library attender 3 Record-keeper 4 Other attenders	Assistant Secretary to the State Legislature.
IV	1 Dubash 2 Duffadar and chobdars 3 Peons 4 Chowkidars	
		Do.

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APPENDIX No. 2.

(See rule 6.)

Appointment to the Service.

<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>
(1)	(2)	(3)	(4)
I	1	Secretary to the State Legislature.	(i) Promotion from category 2 of class I; or (ii) Transfer from State Judicial Service; or (iii) Direct recruitment.
I	2	Deputy Secretary to the State Legislature.	(i) Promotion from category 3 of class I; or (ii) Transfer from the State Judicial Service; or (iii) Direct recruitment.
I	3	Assistant Secretary to the State Legislature.	(i) Promotion from category 1 of class II; or (ii) Direct recruitment.
II	1	Superintendents	Promotion from category 2, 3, 4 or 6 of class II.
II	2	Reporters	(i) Promotion from category 8 of class II; or (ii) Direct recruitment; or (iii) Transfer from any other service.
II	3	Assistant Superintendent ..	(i) Promotion from category 6 of class II; or (ii) Transfer from any other service.
II	4	Librarian	(i) Promotion from category 6 of class II; or (ii) Direct recruitment.
II	5	Personal Assistants to the Speaker of the State Legislative Assembly and to the Chairman of the State Legislative Council.	Any person may be selected by the Speaker or the Chairman as the case may be, from among the members of the service or by transfer from any other service or directly from the list of approved candidates or from outside the list.
II	6	Upper division clerks	(i) Promotion from category 7, 8 or 9 of class II; or (ii) Transfer from any other service; or (iii) Direct recruitment.
II	7	Lower division clerks	(i) Direct recruitment; or (ii) Transfer from any other service; or (iii) Promotion from class III.
II	8	Steno-typists	(i) Promotion from category 9 of class II; or (ii) Direct recruitment; or (iii) Transfer from any other service;
II	9	Typists	(i) Promotion from class III; or (ii) Direct recruitment; or (iii) Transfer from any other service.
III	1	Sergeant for the Legislator's Hostel.	(i) Promotion from category 2 or 3 or 4 of class III; or (ii) Direct recruitment; or (iii) Transfer from any other service.
III	2	Library Attender	(i) Promotion from category 4 of class III; or (ii) Direct recruitment; or (iii) Transfer from any other service.
III	3	Record-keeper	(i) Promotion from category 4 of class III; or (ii) Direct recruitment; or (iii) Transfer from any other service.

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<i>Class.</i>	<i>Category.</i>	<i>Post.</i>			<i>Method of appointment.</i>
(1)	(2)	(3)			(4)
III	4	Other attenders	..	..	(i) Promotion from category 2 or 3 of class IV; or (ii) Direct recruitment; or (iii) Transfer from any other service.
IV	1	Dubash	..	..	Promotion from category 2 of class IV.
IV	2	Duffadar and Chobdars	..	..	Promotion from category 3 of class IV.
IV	3	Peons	..	..	(i) Direct recruitment; or (ii) Transfer from any other service.
IV	4	Chowkidars	..	..	(i) Direct recruitment; or (iii) Transfer from any other service.

APPENDIX No. 3.

[See rule 8 (b).]

Special qualifications.

<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>		<i>Qualifications.</i>
(1)	(2)	(3)	(4)		(5)
I	1	Secretary to the State Legislature.	Transfer		(i) Must hold a degree in Law; and (ii) Must be a member of the State Judicial Service not being lower in rank than a Subordinate Judge.
			Direct recruitment	..	(i) Must hold a degree in Law; and (ii) Must have been an Advocate of the Madras High Court for at least ten years.
I	2	Deputy Secretary to the State Legislature.	Promotion		Must hold a degree in Law.
			Transfer		(i) Must hold a degree in Law; and (ii) Must be a member of the State Judicial Service for at least seven years.
			Direct recruitment	..	(i) Must hold a degree in Law; and (ii) Must have been an Advocate of the Madras High Court for at least seven years.
I	3	Assistant Secretary to the State Legislature.	Promotion		Must possess the B.A. or B.Sc. degree of the Madras or Annamalai University.
			Direct recruitment	..	(i) Must hold a degree in Law; and (ii) Must have been an Advocate of the Madras High Court for at least five years.
II	1	Superintendents (other than Superintendent, Cash section).	Promotion		Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University.
		Superintendent, Cash section.	Do.	..	Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University. Must have passed the Account Test for Subordinate Officers, Part I. Must deposit a security of a sum of Rs. 300.

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<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>	<i>Qualifications.</i>
(1)	(2)	(3)	(4)	(5)
II	2	(a) English Reporters.	Promotion recruitment transfer.	direct or (i) Must have passed the S.S.L.C. Examination and must be eligible for the College course. Preference shall be shown to persons possessing higher educational qualifications. (ii) Must have passed the Government Technical Examination in Shorthand (English) by the grade for which the rate of speed prescribed is not less than one hundred and eighty words per minute; preference shall be shown to persons who can report in any one of the languages of the State. (iii) Must have passed the Government Technical Examination in Typewriting by the Higher Grade. If, however, candidates who have passed the examination by the Higher Grade are not available, those who have passed the examination by the Lower Grade may be appointed.
		(b) Reporters in Indian Languages of the State, viz., Tamil, Telugu, Malayalam, Kannada and Hindustani.	Promotion, recruitment transfer.	direct or (i) Must have passed the S.S.L.C. Examination and must be eligible for the College course. (ii) Must have passed the Government Technical Examination in Shorthand by the Higher Grade in the language concerned. (iii) Must have passed the practical test of eighty words per minute in Shorthand in the language concerned conducted by the Madras Public Service Commission in the case of direct recruits and by the Secretary to the State Legislature in the case of appointments by transfer and promotion. Preference shall be given firstly to candidates who possess typewriting qualification in the language concerned and then to candidates who possess qualifications in Typewriting and Shorthand in English.
II	3	Assistant Superintendent.	Promotion or transfer.	Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University.

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<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>	<i>Qualifications.</i>
(1)	(2)	(3)	(4)	(5)
II	4	Librarian	Promotion or direct recruitment.	Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University besides a Diploma in Librarianship.
II	6	Upper division Clerks.	Promotion, transfer or direct recruitment.	Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University.
II	7	Lower Division Clerks.	Direct recruitment, transfer or promotion.	Must hold the B.A. or B.Sc. degree of the Madras or Annamalai University.
II	8	Steno-typists	Promotion, direct recruitment or transfer.	(i) Must have passed the S.S.L.C. Examination and must be eligible for the College course. (ii) Must have passed the Government Technical Examination in Typewriting, Higher Grade. If, however, candidates who have passed the examination by the Higher Grade are not available, those who have passed the examination by the Lower Grade may be appointed. (iii) Must have passed the Government Technical Examination in Shorthand by the Higher Grade. If, however, candidates who have passed the examination by the Higher Grade are not available, those who have passed the examination by the Lower Grade may be appointed.
II	9	Typists	Direct recruitment, transfer or promotion.	(i) Must have passed the S.S.L.C. Examination and must be eligible for the College course. (ii) Must have passed the Government Technical Examination in Typewriting by the Higher Grade. If, however, candidates who have passed the examination by the Higher Grade are not available, those who have passed the examination by the Lower Grade may be appointed.
III	1	Sergeant for the Legislator's Hostel.	Direct recruitment or transfer.	(i) Must be a war service candidate; if not, persons who are otherwise qualified. (ii) Must have studied up to IV Form in a recognized secondary school.

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<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>	<i>Age-limit.</i>
(1)	(2)	(3)	(4)	(5)
III	2	Library Attender.	Promotion or direct recruitment.	Must have completed the Secondary School-Leaving Certificate course.
III	3	Record-keeper ..	Direct recruitment or transfer.	Must have studied up to IV Form in a recognized secondary school.
III	4	Other Attenders.	Promotion, direct recruitment or transfer.	Must have studied up to IV Form in any recognized secondary school.
IV	3	Peons ..	Direct recruitment or transfer.	(i) Must be able to read and write Tamil, Telugu, Malayalam, Kannada or Hindustani. (ii) Ability to ride a bicycle.
IV	4	Chowkidars ..	Do.	(i) Must be an ex-army man; if not, persons who are otherwise qualified. (ii) Must be able to read and write Tamil, Telugu, Malayalam, Kannada or Hindustani.

APPENDIX No. 4.

[See rule 8 (c).]

Age-limit.

<i>Class.</i>	<i>Category.</i>	<i>Post.</i>	<i>Method of appointment.</i>	<i>Age-limit.</i>
(1)	(2)	(3)	(4)	(5)
I	1	Secretary to the State Legislature.	Transfer or direct recruitment.	Must be not more than 50 years of age.
I	2	Deputy Secretary to the State Legislature.	Do.	Must be not more than 40 years of age.
I	3	Assistant Secretary to the State Legislature.	Direct recruitment ..	Must be not more than 35 years of age.
II	2	Reporters ..	Do.	Must be not more than 25 years of age.
II	4	Librarian ..	Do.	Do.
II	6	Upper Division Clerks.	Do.	Do.
II	7	Lower Division Clerks.	Do.	Do.
II	8	Steno typists ..	Do.	Do.
II	9	Typists ..	Do.	Do.
III	1	Sergeant ..	Do.	Must be not less than 30 and not more than 40 years of age.
III	2	Library Attender.	Do.	Must be not more than 25 years of age.
III	3	Record-keeper ..	Do.	Do.
III	4	Other Attenders.	Do.	Do.
IV	3	Peons ..	Do.	Do.
IV	4	Chowkidars ..	Do.	Must be not more than 35 years of age.

APPENDIX Mo. 5.

(See rules 30 and 35.)

Authority which may impose penalty.

Withholding of increment or promotion.

Reduction to a lower rank in seniority or to a lower class or category in the service or to a lower service or to a lower stage in time-scale.

Recovery from pay of the whole or part of any pecuniary loss caused to the State Government or Central Government by negligence or breach of orders.

Suspension.

Compulsory retirement or removal or dismissal from service.

Appellate authority.

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<i>Serial number and Class of subordinates.</i>	<i>Censure.</i>	<i>Fine.</i>	<i>Withholding of increment or promotion.</i>	<i>Reduction to a lower rank in seniority or to a lower class or category in the service or to a lower service or to a lower stage in time-scale.</i>	<i>Recovery from pay of the whole or part of any pecuniary loss caused to the State Government or Central Government by negligence or breach of orders.</i>	<i>Suspension.</i>	<i>Compulsory retirement or removal or dismissal from service.</i>	<i>Appellate authority.</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 Members included in Class II of the Service.	Secretary to the State Legislature.	..	Secretary to the State Legislature.	Secretary to the State Legislature.	Secretary to the State Legislature.	Secretary to the State Legislature.	Secretary to the State Legislature.	(a) Chairman of the State Legislative Council in respect of the staff in the Council Secretariat.
2 Members included in Class III of the service.	Assistant Secretary to the State Legislature.	..	Assistant Secretary to the State Legislature.	Assistant Secretary to the State Legislature.	Assistant Secretary to the State Legislature.	Assistant Secretary to the State Legislature.	Assistant Secretary to the State Legislature.	(b) Speaker of the State Legislative Assembly in respect of the remaining staff of the Legislature Secretariat. Secretary to the State Legislature.
3 Members included in Class IV of the service.	Do.	Assistant Secretary to the State Legislature.	Do.	Do.	Do.	Do.	Do.	Do.

[9th August 1955]

APPENDIX No. 6.

Pay Schedule.

Category and posts.

Scale of pay.
RS.

Class I—

1 Secretary to the State Legislature	800—50—1,000—60—1,300—50—1,800.
2 Deputy Secretary to the State Legislature ..	550—50/2—900.
3 Assistant Secretary to the State Legislature ..	400—50/2—700.

Class II—

1 Superintendents	200—20—400.
2 Reporters	200—10—400 (Chief Reporter will be allowed a special pay of Rs. 50 per mensem in addition).
3 Assistant Superintendent	200—10—300.
4 Librarian	200—10—300.
5 Personal Assistants to the Speaker of the State Legislative Assembly and to the Chairman of the State Legislative Council.	100—5—200 plus a duty allowance of Rs. 25.
6 Upper Division Clerks	90—5—125—10—175.
7 Lower Division Clerks	51—3—75—2½—100.
8 Steno-Typist	51—3—75—2½—100 plus a special pay of Rs. 35 per mensem.
9 Typists	51—3—75—2½—100 plus a special pay of Rs. 10 per mensem.

Class III—

1 Sergeant for the Legislators' Hostel	45—3—60—2½—80.
2 Library Attender	40—2—50—1—55.
3 Record-keeper	40—2—50—1—55.
4 Other Attenders	24—1—32—½—35.

Class IV—

1 Dubash	50.
2 Duffadar and Chobdars	22—1—30.
3 Peons	18—1—25.
4 Chowkidars	18—1—25.

(By order of the Governor)

K. RAMUNNI MENON,
Chief Secretary.To the Controller of Stationery and Printing, Madras, for publication of the notification in an extraordinary issue of the *Fort St. George Gazette*.

- .. Secretary to the State Legislature, Madras.
- .. Accountant-General, Madras.
- .. Secretary, Madras Public Service Commission, Madras.
- .. Public (Services) Department.

19th August 1955]

APPENDIX VI.

[Vide answer to starred question No. 2122 asked by Sri A. Ratnam at the meeting of the Legislative Assembly held on 19th August 1955, page 125 supra.]

[The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948—Chingleput—Morai inam estates—Particulars of compensation paid and number of estates taken over.]

(a) These estates are governed by section 38 of the Abolition Act under which no lump sum compensation is payable. Instead a tasdik allowance is granted to the institutions concerned every year. The tasdik allowance can be determined only after the ryotwari settlement of the estate concerned is over and till then the allowance payable is roughly calculated and interim payments are made to the institutions every year. These interim payments will be adjusted towards the tasdik allowances which are finally found to be payable. An amount of Rs. 16,203-5-1 was sanctioned for disbursement through the Collector of Chingleput towards the interim payment under section 38 of the Abolition Act in respect of nine Morai inam estates for each of the faslis 1361, 1362 and 1363. For fasli 1364 an amount of Rs. 15,388-15-6 was sanctioned for disbursement.

(b) Nine estates in Chingleput district which have been paying 'Merai' to Sri Sikkudayar Swamigal alias Sri Sankaracharya Swamigal of Kanchi Kamakoti Peetam at Kumbakonam have been notified and taken over on 1st October 1951. There are no Morai inam estates which have not been taken over.

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS